

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jessica Russo	Team: Squad #11	CCRB Case #: 201906242	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 07/13/2019 10:43 PM	Location of Incident: in front of § 87(2)(b)	Precinct: 32	18 Mo. SOL 1/13/2021	EO SOL 8/30/2021	
Date/Time CV Reported Wed, 07/17/2019 1:16 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 07/17/2019 1:16 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Denis Cekic	11429	953738	032 PCT
2. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Nairobi Grayson	18162	958652	032 PCT
2. POM Julio Napoleonis	09307	954169	032 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Denis Cekic	Abuse: Police Officer Denis Cekic stopped § 87(2)(b)	§ 87(2)(b)
B. An officer	Abuse: An officer stopped § 87(2)(b)	§ 87(2)(b)
C.POM Denis Cekic	Abuse: Police Officer Denis Cekic questioned § 87(2)(b)	§ 87(2)(b)
D. An officer	Abuse: An officer questioned § 87(2)(b)	§ 87(2)(b)
E.POM Denis Cekic	Abuse: Police Officer Denis Cekic frisked § 87(2)(b)	§ 87(2)(b)
F. An officer	Abuse: An officer frisked § 87(2)(b)	§ 87(2)(b)
G.POM Denis Cekic	Abuse: Police Officer Denis Cekic searched § 87(2)(b)	§ 87(2)(b)
H. An officer	Abuse: An officer searched § 87(2)(b)	§ 87(2)(b)

## Case Summary

On July 17, 2019, § 87(2)(b) called the CCRB to file this complaint on behalf of his friend, § 87(2)(b) witnessed the incident.

On July 13, 2019, at approximately 10:43 p.m., § 87(2)(b) and at least five friends were sitting on the benches outside of § 87(2)(b) in Manhattan. PO Denis Cekic, of the 32<sup>nd</sup> Precinct, and another unidentified plainclothes officer, in a black unmarked vehicle, stopped at the intersection of § 87(2)(b). PO Cekic and PO2 allegedly stopped § 87(2)(b) and questioned him regarding a weapon (**Allegation A-Abuse of Authority, § 87(2)(g)** (**Allegation C-Abuse of Authority, § 87(2)(g)** (**Allegation B-Abuse of Authority, § 87(2)(g)** (**Allegation D-Abuse of Authority, § 87(2)(g)**

PO Cekic and PO2 allegedly frisked and searched § 87(2)(b) (**Allegation E-Abuse of Authority, § 87(2)(g)** (**Allegation G-Abuse of Authority, § 87(2)(g)** (**Allegation F-Abuse of Authority, § 87(2)(g)** (**Allegation H-Abuse of Authority, § 87(2)(g)**

§ 87(2)(b) was not arrested or issued any summonses as a result of this incident.

Video footage regarding this incident was obtained from NYPD's TARU cameras, which are posted on the southeast corner of § 87(2)(b) in Manhattan.

On October 31, 2019, this case was a reassigned from Investigator Chris Anderson to Investigator Jessica Russo § 87(2)(g)

## Findings and Recommendations

**Allegation (A): Abuse of Authority: Police Officer Denis Cekic stopped § 87(2)(b)**

**Allegation (B): Abuse of Authority: An officer stopped § 87(2)(b)**

**Allegation (C): Abuse of Authority: Police Officer Denis Cekic questioned § 87(2)(b)**

**Allegation (D): Abuse of Authority: An officer questioned § 87(2)(b)**

**Allegation (E): Abuse of Authority: Police Officer Denis Cekic frisked § 87(2)(b)**

**Allegation (F): Abuse of Authority: An officer frisk § 87(2)(b)**

**Allegation (G): Abuse of Authority: Police Officer Denis Cekic searched § 87(2)(b)**

**Allegation (H): Abuse of Authority: An officer searched § 87(2)(b)**

Video footage of the incident (Board Review 01) displays an hour-long audio and visual representation of the what occurred at and around the incident time and location. The footage captures marked NYPD vehicles, but there is only one instance an interaction between civilians and officers. A portion of the footage (Board Review 02) displays a dark, unmarked vehicle that appears to be a Chevrolet, of which two plainclothes officers exit. The license plate of the vehicle is shown in the footage, but the numbers associated with it are unclear. The officer that exits from the passenger side appears to be wearing an armband. The officers approach several plainclothes individuals that are seated nearby the intersection and interact with them for several seconds. The context of the interaction is unclear and mostly obscured by a traffic signal. After several seconds, the officers return to their car and exit the view of the video.

§ 87(2)(b) stated (Board Review 03) that as he sat outside of § 87(2)(b), an unmarked vehicle, thought to be either a Ford or Chevrolet Impala, stopped at the intersection of § 87(2)(b). Two plainclothes officers exited the vehicle, one which § 87(2)(b) described as a 6'4" to 6'5" tall black male, and the other that he described as a 6'2" to 6'3" tall white male, who he recognized to be PO Denis Cekic from a prior arrest. § 87(2)(b) did not see any other officers during this incident.

The black officer told § 87(2)(b) to get up and proceeded to remove loose currency from § 87(2)(b)'s pockets, which he placed on a bench. The black officer asked § 87(2)(b) "Where the

guns at?” and had no further communication with § 87(2)(b) § 87(2)(b) did not recall PO Cekic patting § 87(2)(b) s exterior, but observed him removing a wallet and keys from § 87(2)(b) s pockets, which he placed on a bench. The black officer patted the exterior of § 87(2)(b) s pants waistband and did not say anything in the process of doing so. Neither officer interacted with any other civilian present.

The entire interaction was less than a minute, which concluded with the officers returning to their vehicle and leaving the location.

§ 87(2)(b) stated (Board Review 04) that a plainclothes officer exited the vehicle. § 87(2)(b) § 87(2)(b) thought that this officer was alone and did not see any other officers exit the vehicle. § 87(2)(b) § 87(2)(b) described the officer as a 6’5” to 6’6” tall white male in his early to mid-30s, with a muscular build and bald head, who he identified as “Denis Cekic” from prior documentation that contained PO Cekic’s name.

PO Cekic instructed § 87(2)(b) to stand up. § 87(2)(b) raised his hands, with his palms outward and PO Cekic patted the exterior of § 87(2)(b) s pants pockets and pants waistband. PO Cekic did not put his hands inside of § 87(2)(b) s pants pockets or pants waistband. PO Cekic did not have any contact, physical or verbal, with any other civilians present.

PO Cekic entered his vehicle and left the location.

PO Cekic stated (Board Review 05) that he is familiar with the area around § 87(2)(b) § 87(2)(b), due to frequently being dispatched to that location. PO Cekic was familiar with § 87(2)(b) and § 87(2)(b) from a past arrest; however, he was not aware of any other interactions involving § 87(2)(b) before or after such arrest. PO Cekic denied interacting with § 87(2)(b) or § 87(2)(b) during his tour on July 13, 2019.

On the day of this incident, PO Cekic was partnered with PO Nairobi Grayson and PO Julio Napoleonis and they were assigned an unmarked black Ford vehicle. PO Cekic was involved in an arrest conducted by PO Grayson at approximately 9:30 p.m., another arrest near § 87(2)(b) § 87(2)(b) and the response to a homicide within the 32<sup>nd</sup> Precinct confines. PO Cekic did not recall if he and PO Napoleonis resumed patrol as PO Grayson processed the 9:30 p.m. arrest, but he stated that he “might have”. Aside from the two arrests mentioned, PO Cekic did not recall any other notable interactions with civilians on the day of this incident.

When shown video footage of the intersection of § 87(2)(b) § 87(2)(b) (Board Review 01), around the time and date of this incident (Board Review 02), PO Cekic did not recognize any of the individuals or vehicles displayed.

There was no Stop, Question and Frisk Report created for § 87(2)(b) on July 13, 2019 (Board Review 06). A request for warrant audits produced negative results (Board Review 7).

PO Cekic did not make any memo book entries relating to this incident (Board Review 06).

§ 87(2)(g)

As both § 87(2)(b) and § 87(2)(b) identified one of the officers as PO Cekic, roll call was used to identify the officer with whom he was working. It was revealed that PO Grayson, PO Napoleonis and PO Dellilo were working assigned to Anti-Crime on the day of the incident (Board Review 08).

Of the two officers identified, PO Grayson is the only black male officer and is, therefore, the only officer that matches § 87(2)(b) s description. However, PO Grayson stated (Board Review 09) that during the time of the incident, he was at the 32<sup>nd</sup> Precinct stationhouse processing an arrest he made at 9:30 p.m, which is corroborated by an arrest obtained through BADS (Board Review 10). PO Grayson did not recall if PO Cekic and PO Napoleonis remained in the stationhouse with him while he processed the arrest, nor did he recall if they helped him with the documentation. PO Grayson remained in the stationhouse until about 1 a.m., after which he resumed patrol and made

another arrest at approximately 1:24 a.m., in the vicinity of § 87(2)(b) § 87(2)(b) § 87(2)(b). PO Grayson processed the second arrest until about 2:15 a.m., at which time he resumed patrol. PO Grayson assisted other officers in an arrest at approximately 3:15 a.m.

PO Cekic and PO Napoleonis did not inform PO Grayson of any interactions they had in his absence on the day of this incident.

PO Grayson was familiar with the name § 87(2)(b) from documents of a prior arrest § 87(2)(b) had regarding a firearm. When presented with the photograph of § 87(2)(b) taken during his CCRB interview, PO Grayson stated that § 87(2)(b) looked familiar but did not recall any direct interactions with § 87(2)(b).

PO Napoleonis stated to the CCRB (Board Review 11) that during the time of this incident, he was assisting PO Grayson with an arrest that PO Grayson conducted previously. PO Napoleonis stated that he recalled PO Grayson conduct about three arrests, each of which PO Napoleonis helped him process at the 32<sup>nd</sup> Precinct stationhouse. PO Napoleonis returned to the field in between arrests and did so on one occasion with PO Cekic, while PO Grayson remained in the stationhouse.

PO Napoleonis was not familiar with § 87(2)(b) or § 87(2)(b). When presented with a photograph of § 87(2)(b), PO Napoleonis did not recognize the individual.

When presented with a portion of video footage (Board Review 02), PO Napoleonis stated that the individuals in the video might be plainclothes officers, due to their wearing of an armband; however, PO Napoleonis did not recognize either of the officers as himself, PO Cekic, or anyone else. He also did not recognize the vehicle that the two plainclothes individuals entered. PO Napoleonis did not recall seeing numerous civilians on the benches near § 87(2)(b) § 87(2)(b) on the day of this incident.

Neither PO Grayson nor PO Napoleonis have entries in their memo book regarding this incident (Board Review 12).

§ 87(2)(g)

### **Civilian and Officer CCRB Histories**

- This is the first complaint to which § 87(2)(b) has been a party (Board Review 13)
- § 87(2)(b) has been a party to one other CCRB complaint and has been named as a victim in six allegation (Board Review 14).
  - § 87(2)(b)
- PO Cekic has been a member-of-service for six years and this is the first complaint to which he has been a subject.

### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) and § 87(2)(b) declined to mediate this complaint.
- On November 13, 2019, The Office of the New York City Comptroller confirmed that neither § 87(2)(b) nor § 87(2)(b) have filed a Notice of Claim in regard to this complaint.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

[illegible]

Reviewer: \_\_\_\_\_

Signature \_\_\_\_\_ Print Title & Name \_\_\_\_\_ Date \_\_\_\_\_